

spent at least some time without insurance. Forty-one million lacked coverage for the entire year. Among them are 8.5 million children who are indeed being left behind.

We can do better.

This is a national problem and it demands national leadership to fix it. Medical research is producing miracles. And yet, Washington's neglect has allowed a crisis to emerge.

Doctors and nurses are dedicating their lives to the care of their patients. And yet Washington cannot seem to dedicate any of its attention or its resources to helping Americans who are suffering.

This is a critical moment in our Nation's history. As our attention turns back toward the troubles of our economy and the Americans who are struggling to work and raise families, I intend to do everything I can to keep the Senate's attention focused on the crisis in health care.

Our citizens are asking for our leadership, and we have an obligation to answer their call.

I yield the floor.

Mr. REID. Mr. President, before the Democratic leader leaves the floor—if I could just engage in a colloquy with him—the leader is so on point. We need to do something about health care. In my office today was a 13-year-old girl from Reno, NV. Her best friend's mother has lupus. This little girl didn't know what to do. As you know, we are way behind the ball on trying to determine what causes lupus and how to cure it. It is a very serious disease, and mostly a disease of women. This little girl on her own painted little lady bugs and sold them for \$2 each and made \$2,000 for research into lupus. She got a national award.

With all that has been going on—Iraq and Afghanistan are terribly important issues—and as we focus on this tax cut, which is a very important issue, I hope this Congress can devote some time to the 44 or 45 million Americans who have no health insurance and the millions of others who are underinsured. The State of Nevada, I am not proud to say, leads the Nation in uninsured. It has created tremendous problems for the State of Nevada because those people who are uninsured drive up health care costs for everybody. Indigent care and hospital and doctor bills have increased. And, of course, insurance costs more for those people who are fortunate to have it.

I hope the country has heard the message delivered by the Democratic leader—that we need to do something about health care.

This little girl is so desperate in helping her best friend's mother that she painted lady bugs. Her heart is bigger than her body, I am sure. But we need to make sure the National Institutes of Health has all the money they need to do all they can.

In addition, people should have basic health insurance. All the research in the world is important, but it is not

the answer for people to have the ability to go to the doctor when they need it.

Mr. DASCHLE. Mr. President, I thank the assistant Democratic leader for his excellent comments. He is absolutely right. Of all the priorities our country faces—as we look to the well-being of our youth, and as we look to the extraordinary challenges we face to remain competitive—our country cannot remain competitive if our youth do not have good health and access to health care in rural areas as well as in the inner cities. We can't stay competitive with businesses that have to expand costs by double or triple every 2 or 3 years. We have a financial crisis in health care today. It is a crisis that is being felt by thousands and thousands of people who were not affected the last time we addressed this issue. They had health insurance. But we can no longer afford to ignore it. We can no longer afford to postpone it. We can no longer afford to minimize the extraordinary impact this problem is having on society and our economy today.

I appreciate very much the Senator's comments. I know he feels as deeply as I do and as our caucus does about the importance of putting this high on the priority list as we consider the legislative agenda for the remainder of this Congress.

I yield the floor. I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. SESSIONS). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

The PRESIDING OFFICER. In my capacity as a Senator from the State of Texas, I ask unanimous consent that the order for the quorum call be dispensed with.

Without objection, it is so ordered.

#### RECESS

The PRESIDING OFFICER. Under the previous order, the Senate will stand in recess until 2:15 p.m.

Thereupon, at 12:30 p.m., the Senate recessed until 2:16 p.m. and reassembled when called to order by the Presiding Officer (Mr. VOINOVICH).

#### EXECUTIVE SESSION

#### NOMINATION OF CECILIA M. ALTONAGA, OF FLORIDA, TO BE UNITED STATES DISTRICT JUDGE FOR THE SOUTHERN DISTRICT OF FLORIDA

The PRESIDING OFFICER. Under the previous order, the Senate will proceed to executive session to consider the following nomination of Cecilia M. Altonaga, of Florida, to be United States District Court Judge, which the clerk will report.

The assistant legislative clerk read the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida.

The PRESIDING OFFICER. Under the previous order, there will now be 15 minutes evenly divided for debate on the nomination.

Mr. HATCH. Mr. President, I rise in support of the nomination of Cecilia Altonaga to the U.S. District Court for the Southern District of Florida. Judge Altonaga has enjoyed a stellar legal career on both sides of the bench.

Upon graduating from Yale Law School, Judge Altonaga clerked for the Honorable Edward B. Davis of the United States District Court for the Southern District of Florida—the very court she will join upon her confirmation.

Judge Altonaga then spent 10 years as an assistance county attorney for the Miami-Dade County Attorney's Office. During her tenure, she specialized in construction litigation, reviewing and drafting construction contracts, and advising the County Commission in the awarding of government contracts, including bid disputes handled in administrative quasi-judicial hearings. She also handled tort suits, defending the County ordinances and actions taken by County Commissioners in State and Federal courts.

From 1996 to 1999, Judge Altonaga served as a County Court Judge of the Eleventh Judicial Circuit of the State of Florida. While on the County Court, Judge Altonaga served in the Domestic Violence, Civil, and Criminal Divisions. Since 1999, she has served as a Judge for the Circuit Court of the Eleventh Judicial Circuit of the State of Florida, where she has been assigned to the Court's Juvenile, Criminal, and Appellate Divisions.

Notably, Judge Altonaga will be the first Cuban-American woman to serve as a Federal judge. I have every confidence that she will serve with distinction, and I am pleased to join with my colleagues from Florida in supporting her nomination.

Mr. LOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. LEAHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. LEAHY. Mr. President, we will soon be voting on the nomination of Judge Cecilia Altonaga to be United States District Judge for the Southern District of Florida. I believe that Judge Altonaga will be the first Cuban-American woman to sit on the Federal bench.

Judge Altonaga comes to us with bipartisan support after being unanimously approved by Florida's bipartisan Judicial Advisory Committee. I commend Senators GRAHAM and NELSON for insisting that a bipartisan selection commission be implemented in Florida. This shows how well it works.

We are moving down judicial vacancies. As we can see, starting in 1994, judicial vacancies increased actually

under Republican control of the Senate. It went from 63 up to 110. When Democrats took control and I became chairman, we cut that almost immediately from 110 to 60, with nominees of President Bush, notwithstanding all of President Clinton's nominees who had been blocked.

Circuit court nominees went from 16 vacancies under Republican Senate leadership up to 33. When I became chairman, we cut it immediately to 25. I note that because we did move to cut those vacancies—even though, in this case, it is Cuban-American women—there were many Hispanics and women nominated by President Clinton who were blocked or delayed by the Republican majority. We were told that unless every single Republican agreed, even if one disagreed, they would not get a hearing or a vote.

We had nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno, and Ricardo Morado who were never given hearings, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle who were stalled for no good reason. Even though President Clinton's nominees had been blocked, we, the Democrats, when we took over, moved President Bush's nominees for the same spots.

I urge the White House to work with more Senators in forming selection commissions to ensure that we have nominees who are supported in their communities and come to the Senate with true, bipartisan support. Under this administration, we have seen the recommendations of such bipartisan panels rejected or stalled. Instead, the recommendations of these important bipartisan commissions should be honored and encouraged by expedited consideration before the committee and on the floor of the Senate.

Judge Altonaga is active in her community. She is a member of the Florida International University Law School Advisory Board, and belongs to the Dade County Bar Association, the Cuban American Bar Association, and the Florida Association of Women Lawyers. She has served as a member of the National Advisory Committee for Cultural Considerations in Domestic Violence Cases, the Select Task Force on Election Procedures, Standards and Technology, and the First Family Law American Inns of Court.

During the 17 months I was chairman of the Judiciary Committee, I worked hard to ensure that women and minorities were considered for the federal bench, and I am proud of that record. Many Hispanics and women nominated by President Clinton were blocked or delayed by the Republican majority, and I did not want to see that repeated. Fine nominees such as Christine Arguello, Jorge Rangel, Enrique Moreno and Ricardo Morado were never given hearings. Others, including Judge Richard Paez, Judge Sonia Sotomayor, and Judge Hilda Tagle, were stalled for no good reason. I am proud that did not happen on my watch. I am glad to say

that we quickly considered and confirmed nominees such as Christina Armijo to the District Court in New Mexico, Philip Martinez, to the District Court in Texas, Jose Martinez to the District Court in Florida, Alia Ludlum to the District Court in Texas, and Jose Linares to the District Court in New Jersey.

Also during the 17 months I was chairman of the Judiciary Committee, three judicial nominees were confirmed to the District Courts of Florida. Timothy J. Corrigan was confirmed to the Middle District of Florida, and Jose E. Martinez and Kenneth A. Marra, were both confirmed to the Southern District of Florida.

I congratulate Judge Altonaga and her family on her confirmation.

Today the Senate is reducing the number of Federal judicial vacancies to the lowest level it has been in 13 years. The 110 vacancies I inherited in the summer of 2001 have been more than cut in half. In the 17 months I chaired the Judiciary Committee we not only kept up with attrition but reduced those 110 vacancies to 60 with Judge Altonaga's confirmation and that of Patricia Minaldi we will have 47 vacancies for the entire federal judiciary. I thank all Senators for working with us. I thank the Democratic leadership for pressing for this vote on Judge Altonaga. I have spoken about her and urged this vote since she was reported by the Judiciary Committee almost 1 month ago.

Since July 2001 a number of Senators have worked very hard to repair the damage done during the years 1995 through the early part of 2001. We made significant progress. Unfortunately, our efforts have received little acknowledgement and the current administration continues down the strident path of confrontation and court packing rather than working with Senators of both parties to identify and nominate consensus, mainstream nominees.

While the Nation's unemployment rate rose last month to 6 percent, the vacancy rate on the federal judiciary has been lowered to 5.6 percent. While the number of private sector jobs lost since the beginning of the Bush administration is 2.7 million, almost 9 million Americans are now out of work, and unemployment has risen by more than 45 percent, Democrats in the Senate have cooperated in moving forward to confirm 123 of this President's judicial nominees, reduce judicial vacancies to the lowest level in years, and reduce federal judicial vacancies by almost 60 percent. Yet the Republican-led Senate remains obsessed with seeking to force through the most divisive of this President's controversial, ideologically-chosen nominees.

In just the last 2 years, 123 of the President's judicial nominees will have been confirmed. One hundred of those confirmations came during the 17 months of Democratic leadership of the Senate. No fair-minded observer could term that obstructionism. By contrast,

during the six and one-half years during which Republicans controlled the Senate and President Clinton's nominations were being considered, they averaged only 38 confirmations a year. During the last two years of the Clinton administration, the Senate confirmed only 73 Federal judges. Combining the 1996 and 1997 sessions, Republicans in the Senate allowed only 53 judges to be confirmed in two years, including only seven new judges to the circuit courts. One entire congressional session, the Republican-led Senate confirmed only 17 judges all year and none at all to the circuit courts. The Senate confirmed 72 judges nominated by President Bush last year alone under Democratic leadership.

The fact is that when Democrats became the Senate majority in the summer of 2001, we inherited 110 judicial vacancies. These are the facts. Over the next 17 months, despite constant criticism from the administration, the Senate proceeded to confirm 100 of President Bush's nominees, including several who were divisive and controversial, several who had mixed peer review ratings from the ABA and at least one who had been rated not qualified. Despite the additional 40 vacancies that arose, we reduced judicial vacancies to 60, a level below that termed "full employment" on the federal judiciary by Senator HATCH.

Since the beginning of this year, in spite of the fixation of the Republican majority on the President's most controversial nominations, we have worked hard to reduce judicial vacancies even further. As of today, the number of judicial vacancies is at 47. That is the lowest it has been in several years. That is lower than it ever was allowed to go at any time during the entire eight years of the Clinton administration. We have already reduced judicial vacancies from 110 to 47, in less than two years. We have reduced the vacancy rate from 12.8 percent to 5.6 percent, the lowest it has been since 1990. With some cooperation from the administration think of the additional progress we could be making.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation and, in the case of Miguel Estrada, he has even managed to divide Hispanics across the country. The nomination and confirmation process begins with the President, and I urge him to work with us to find a way forward to unite, instead of divide, the Nation on these issues.

Republican talking points will likely focus on the impasse on two of the most extreme of the President's nominations rather than 123 confirmations and the lowest judicial vacancy rate in 13 years. They will ignore their own recent filibusters against President Clinton's executive and judicial nominees in so doing.

What is unprecedented about the Estrada matter is that the administration and Republican leadership have

shown no willingness to be reasonable and accommodate Democratic Senators' request for information traditionally shared with the Senate by past administrations. That we have endured numerous cloture votes is an indictment of Republican intransigence on this matter, nothing more. What is unprecedented is that there has been no effort on the Republican side to work this matter out, as these matters have always been worked out in the past. What is unprecedented is that the Republican insistence to schedule cloture vote after cloture vote without first resolving the underlying problem caused by the administration's inflexibility.

What is unprecedented about the Owen nomination is that it was made at all. Judge Owen had a fair hearing and was given fair consideration for the Judicial Committee last year. We proceeded in spite of the fact that the Republican majority had refused to proceed with any of President Clinton's Fifth Circuit nominees during his last 4-year term. Never before in our history has a President renominated for the same vacancy someone voted down by the Judiciary Committee.

From 1995 through the summer of 2001, the Republican majority averaged only 38 confirmations a year with only seven to the Courts of Appeals. That explains why Federal judicial vacancies rose from 63 to 110 on the Republican watch and circuit vacancies more than doubled from 16 to 33. Of course, during those years there were no Republican-led hearings calling for prompt action or fair consideration of President Clinton's moderate judicial nominees. To the contrary, Senator Ashcroft held hearings designed to justify the slowdown. Senator Ashcroft and others perfected the practice of using anonymous holds both in committee and on the floor so that judicial nominees were stalled for months and years without consideration. Scores of nominees never received hearings, at least 10 who received hearings never received committee consideration and those who were ultimately considered often were delayed months and years.

Beginning in July 2001, Democrats started bringing accountability and openness to the process. In the 17 months of the Democratic Senate majority we held more hearings on more judicial nominees, held more Committee votes and more Senate votes than before. We were able virtually to double the pace and productivity of the process. We did away with the secrecy of the "blue slip" and the anonymous hold. We considered President Bush's nominees fairly, responsibly and in those 17 months confirmed 100 of this President's nominees. We reversed the destructive trends with respect to the number of vacancies and length of time that nominees had to wait to be considered. While we could not consider all nominations simultaneously, we considered more, more quickly than in the preceding years. The Democratic majority inherited 110 judicial vacancies

including a record 33 to the circuit courts. By December 2002, we were able through hard work to outpace the 40 additional vacancies that had arisen and reduce the remaining vacancies to 60, including 25 to the circuit courts. We have continued to cooperate and today the remaining vacancies number 47, including 20 on the circuit courts. This is the lowest vacancy number and lowest vacancy rate in 13 years.

Senator HATCH used to say, when President Clinton was nominating moderates to more than 100 vacancies, that there was no vacancies crisis. He used to say that he considered 67 vacancies to be "full employment" on the Federal judiciary. Today we are well short of 100 vacancies and well beyond what he used to term "full employment" with 47 vacancies. Today I expect the Senate to consider and confirm both Judge Cecilia Altonaga, who will be the first Cuban-American woman to serve on the Federal judiciary, and Patricia Minaldi, and thereby bring the remaining vacancies down to 47. The Committee continues to report nominations to fill additional vacancies, as well as, with another hearing scheduled for tomorrow.

This is not to say that our work is done. Last week, with the help and hard work of the Senate Leadership we were able to make additional progress. Last Wednesday, Majority Leader FRIST used that word "progress" to describe how we have been able to resolve complications caused by the manner in which these nominations were forced through the Judiciary Committee. Last Thursday, I thanked the majority leader and the Democratic leader and others for their efforts in this regard and for working with us to bring the nomination of Judge Edward Prado to a vote without further, unnecessary delay.

Yesterday, the Senate debated and voted on the nomination of Deborah Cook to the Sixth Circuit. She is the fourth nominee of President Bush to be confirmed to the Sixth Circuit in less than 2 years. During the entire second term of President Clinton, the Republican majority would not hold hearings or consider a single one of President Clinton's nominees to the Sixth Circuit—not Judge Helene White, not Kathleen McCree Lewis, not Professor Kent Markus. Nonetheless, while I was chair of the Judiciary Committee we proceeded to consider and confirm two conservative nominees of President Bush to the Sixth Circuit and this year the Senate has proceeded to confirm two more.

The work of the Senate would be more productive if this administration were more interested in filling vacancies with qualified, consensus nominees rather than packing the federal courts with activist judges. The nominations and confirmation process begins with the President. Far from being someone who has sought consensus and to unite us on judicial nominees, this President has used judicial nominees as a par-

tisan weapon and sought sharply to tilt the courts ideologically. That is unfortunate. Some of us have urged another course, a course of cooperation and conciliation, but that is not the path this administration has chosen. Yet, in spite of the historically low level of cooperation from the White House, the Senate has already confirmed 123 of President Bush's judicial nominees, including some of the most divisive and controversial sent by any President.

Last week, the Senate proceeded to a vote on the nomination of Jeffrey Sutton to the Sixth Circuit. He received the fewest number of favorable votes of any nominee in almost 20 years with 52. He is the third controversial judicial nominee of this President against whom more than 40 negative votes were cast, yet those three nominees were not stalled and not subjected to a filibuster.

Our Senate leadership, both Republican and Democratic, have worked to correct some of the problems that arose from some of the earlier hearings and actions of this committee. Last week, we were able to hold a hearing on the nomination of John Roberts to the District of Columbia Circuit. We are all working hard to complete committee consideration of that nomination at the earliest opportunity. Thus, a number of additional, controversial nominations are in the process of being considered and will be considered by the Senate in due course.

My point is to underscore that we have made and are making real progress from the thoroughgoing obstruction from 1996 until 2001. While "the glass is not full," it is more full than empty and more has been achieved than some want to acknowledge. One hundred and twenty-three lifetime confirmations in less than 2 years is better than any 2-year period from 1995 through 2000. We have reduced judicial vacancies to 47, which is the lowest number and lowest vacancy percentage in 13 years. During the entire eight-year term of President Clinton it was never allowed by Republicans to get that low. We have made tremendous progress. These achievements have not been easy.

The administration has chosen confrontation with the Congress, with the Senate and with this Committee. We are now proceeding at three to four times the pace Republicans maintained in reviewing President Clinton's judicial nominees. We have reached the point where this Committee and the Senate are often moving too fast on some nominations and we risk becoming a racing conveyor belt that rubber stamps rather than examines these lifetime appointments. Democrats have worked hard to repair the damage to the confirmation process and achieved significant results. Republicans seem merely results oriented and interested in ideological domination of the federal courts.

As Republicans turn their guns on the propriety of the filibuster in connection with judicial nominations, I

trust the Republican majority will not overlook the precedent on this question. Republicans not only joined in the filibuster of Abe Fortas to be Chief Justice of the United States Supreme Court, they joined in the filibuster of Stephen Breyer to the First Circuit, Judge Rosemary Barkett to the Eleventh Circuit, Judge H. Lee Sarokin to the Third Circuit, and Judge Richard Paez and Judge Marsha Berzon to the Ninth Circuit. The truth is that filibusters on nominations and legislative matters and extended debate on judicial nominations, including circuit court nominations, have become more and more common on the initiative of Republicans working against Democratic nominees. Now that a Republican President, intent on packing the courts with ideologues, has seen two nominees delayed by filibusters, and even though the other 123 judges he nominated have been confirmed, partisans want to change the rules to make it easier for this President to get his way.

Of course, when they are in the majority Republicans have more successfully defeated nominees by refusing to proceed on them and have not publicly explained their actions, preferring to act in secret under the cloak of anonymity. From 1995 through 2001, when Republicans previously controlled the Senate majority, Republican efforts to defeat President Clinton's judicial nominees most often took place through inaction and anonymous holds for which no Republican Senator could be held accountable. Republicans held up almost 80 judicial nominees who were not acted upon during the Congress in which President Clinton first nominated them and eventually defeated more than 50 judicial nominees without a recorded Senate vote of any kind, just by refusing to proceed with hearings and Committee votes. These are just the sorts of stealth tactics Democrats have rejected.

Beyond judicial nominees, Republicans also filibustered the nomination of Executive Branch nominees. They successfully filibustered the nomination of Dr. Henry Foster to become Surgeon General of the United States in spite of two cloture votes in 1995. Dr. David Satcher's subsequent nomination to be Surgeon General also required cloture, but he was successfully confirmed.

Other Executive Branch nominees who were filibustered by Republicans included Walter Dellinger's nomination to be Assistant Attorney General. Two cloture petitions were required to be filed on that nomination and both were rejected by Republicans. We were able finally to obtain a confirmation vote for Professor Walter Dellinger after significant efforts and he was confirmed to be Assistant Attorney General with 34 votes against him. He was never confirmed to his position as Solicitor General because Republicans had made clear their opposition to him. In addition, in 1993, Republicans ob-

jected to a number of State Department nominations and even the nomination of Janet Napolitano to serve as the U.S. Attorney for Arizona, resulting in more cloture petitions. In 1994, Republicans successfully filibustered the nomination of Sam Brown to be an Ambassador. After three cloture motions were filed, his nomination was returned to President Clinton without Senate action. Also in 1994, two cloture motions were required to get a vote on the nomination of Derek Shearer to be an ambassador. And it likewise took two cloture motions to get a vote on the nomination of Ricki Tigert to chair the FDIC. So when Republican Senators now talk about the Senate Executive Calendar and Presidential nominees, they must be reminded that they recently filibustered many, many qualified nominees.

Filibusters should be and are rare. That there are two this year is a direct result of the strategy of confrontation sought by the White House and Senate Republicans. The administration holds the key to ending the Estrada impasse, as it has for the last year. It should cooperate with the Senate and provide access to his work papers, following the example set by all previous Republican and Democratic administrations. The renomination of Judge Owen was most ill-advised and unprecedented. Her nomination had already been rejected after fair hearings and thorough debate and a Committee vote last year. Some apparently want to rewrite the rules so that this President can have every nominee confirmed, no matter how divisive and controversial, by the Republican Senate majority.

Recently, I heard a respected Republican and senior advisor to the majority leader describe cloture as "the fulcrum on which you balance the rights of the individual and the rights of the institution." He explained how important the rights of the minority party are in the Senate and how Senate rules are deliberately constructed to reflect that and protect the minority. That Republicans are now intent on rewriting longstanding Senate rules shows just how partisan and ends-oriented they have become.

The President promised to be a uniter not a divider, but he has continued to send us judicial nominees that divide our Nation. He has even managed to divide Hispanics across the country with the nomination of Mr. Estrada. He has managed to outrage disabled individuals by his nomination of Jeffery Sutton. The nomination and confirmation process begins with the President. I, again, urge him to work with us to identify and nominate qualified, consensus, mainstream nominees who all Americans can be confident will be fair and impartial and to abandon his ideological court-packing scheme.

Mr. President, am I correct that at 2:30 p.m. the vote is to take place?

The PRESIDING OFFICER. The Senator is correct.

Mr. LEAHY. I ask for the yeas and nays.

The PRESIDING OFFICER. Is there a sufficient second?

There is a sufficient second.

The question is, Shall the Senate advise and consent to the nomination of Cecilia M. Altonaga, of Florida, to be United States District Judge for the Southern District of Florida?

The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. MCCONNELL. I announce that the Senator from Tennessee (Mr. ALEXANDER) and the Senator from Alaska (Ms. MURKOWSKI) are necessarily absent.

Mr. REID. I announce that the Senator from Washington (Ms. CANTWELL), the Senator from Minnesota (Mr. DAYTON), the Senator from Florida (Mr. GRAHAM), the Senator from Massachusetts (Mr. KERRY), the Senator from Connecticut (Mr. LIEBERMAN), the Senator from Georgia (Mr. MILLER), and the Senator from Washington (Mrs. MURRAY) are necessarily absent.

I further announce that, if present and voting, the Senator from Minnesota (Mr. DAYTON) and the Senator from Massachusetts (Mr. KERRY) would each vote "aye."

The PRESIDING OFFICER. Are there any other Senators in the Chamber desiring to vote?

The result was announced—yeas 91, nays 0, as follows:

[Rollcall Vote No. 141 Ex.]

YEAS—91

Akaka	Dole	Lott
Allard	Domenici	Lugar
Allen	Dorgan	McCain
Baucus	Dubin	McConnell
Bayh	Edwards	Mikulski
Bennett	Ensign	Nelson (FL)
Biden	Enzi	Nelson (NE)
Bingaman	Feingold	Nickles
Bond	Feinstein	Pryor
Boxer	Fitzgerald	Reed
Breaux	Frist	Reid
Brownback	Graham (SC)	Roberts
Bunning	Grassley	Rockefeller
Burns	Gregg	Santorum
Byrd	Hagel	Sarbanes
Campbell	Harkin	Schumer
Carper	Hatch	Sessions
Chafee	Hollings	Shelby
Chambliss	Hutchison	Smith
Clinton	Inhofe	Snowe
Cochran	Inouye	Specter
Coleman	Jeffords	Stabenow
Collins	Johnson	Stevens
Conrad	Kennedy	Sununu
Cornyn	Kohl	Talent
Corzine	Kyl	Thomas
Craig	Landrieu	Voinovich
Crapo	Lautenberg	Warner
Daschle	Leahy	Wyden
DeWine	Levin	
Dodd	Lincoln	

NOT VOTING—9

Alexander	Graham (FL)	Miller
Cantwell	Kerry	Murkowski
Dayton	Lieberman	Murray

The nomination was confirmed.

The PRESIDING OFFICER (Mr. SUNUNU). Under the previous order, the President shall be immediately notified of the Senate's action.

(At the request of Mr. REID, the following statement was ordered to be printed in the RECORD.)

## VOTE EXPLANATION

• Ms. CANTWELL. Mr. President, I have the great honor of being in Washington State today in order to welcome home the USS *Lincoln*. After a 10-month deployment, including valuable service in the recent war against Iraq, the men and women of the USS *Lincoln* finally reach Everett and Washington today. Unfortunately in order to be present for this important homecoming in my State it was necessary for me to miss the vote on the confirmation of Cecilia Altonaga to the Federal District Court for the Southern District of Florida. If I had been present, I would have voted "yea" to confirm Cecilia Altonaga.●

## LEGISLATIVE SESSION

The PRESIDING OFFICER. Under the previous order, the Senate will return to legislative session.

ENERGY POLICY ACT OF 2003—  
Continued

The PRESIDING OFFICER. The Senator from North Dakota.

Mr. DORGAN. Mr. President, are we back on the energy bill? Is that the order of business?

The PRESIDING OFFICER. We are.

Mr. DORGAN. Mr. President, I know my colleagues have made presentations on the energy bill. The chairman of the Energy and Natural Resources Committee, Senator DOMENICI, and the ranking Member, Senator BINGAMAN, have made presentations on the energy bill. I wanted to come to the floor to speak about this piece of legislation.

There are some provisions in this legislation that I think are particularly worthy and some that are not. There are some provisions that should be in the bill and, as of yet, are not in the bill. My hope is that as we debate and discuss the energy issue on the floor of the Senate, we will be able to construct a bipartisan energy bill that advances this country's energy interests. That ought to be our goal.

It is a fact that our country, for well over a century, has been wedded to the use of oil, particularly for the purpose of moving our transportation fleet. Because we are so chained to the use of oil—and especially now chained to the use of foreign oil, with 55 percent of what we use coming from places outside of our country—most believe that our economy is at risk.

What do I mean by "at risk"? I mean that if, God forbid, some morning we wake up and discover that the supply of oil coming from areas of the world that are deeply troubled is somehow shut off, our economy will be flat on its back. I do not think there is any dispute about that.

The 55 percent of oil that now comes from outside of our borders is expected to increase to nearly 65, 66 percent in the coming years. Is that advancing this country's economic and energy security? No, not at all. In fact, it injures

our country's opportunities in both the intermediate and long term.

So the question for us with respect to energy policy is, How do we become less dependent on energy that comes from outside of our country? How do we produce more, over which we have control? How do we conserve more? After all, conservation is another form of producing. How do we increase the efficiency of appliances and other items that we use energy for in our daily lives? And how do we increase the role of limitless and renewable supplies of energy? Those are the key questions for all of us, it seems to me, in trying to write a better energy bill.

As we see more and more States begin to experiment with restructuring and deregulation, we also need to address in this bill the question, "How do we prevent from happening once again what happened on the west coast, particularly in California, where there was grand theft committed by some companies now under criminal investigation?"

Enron, of course, was one company that was subject to these allegations. The Federal Energy Regulatory Commission is now taking action against a number of companies. But there is no question about what happened with respect to electricity restructuring in California: that some companies engaged in basic criminal wrongdoing, and that the consumers on the west coast were bilked to the tune of not millions or hundreds of millions of dollars but billions of dollars. That is why I call it grand theft.

How do we prevent that from happening in the future? I will talk about that in just a couple moments.

But let me put up a chart that shows from where we have received the imports of crude oil, by country of origin, in a recent year. No. 1 was Saudi Arabia, 588 million barrels of crude oil in 2001 from Saudi Arabia; and then you have Mexico, Canada, Venezuela, Nigeria, and Iraq as No. 6.

You can see, if you look at this list, we are importing oil from very troubled parts of the world. The future opportunity of growth and economic opportunity in this country is to be able to continue this supply. Our economy depends on it. So should we become less dependent on that? The answer is yes. Will we in this bill? I hope the answer will be yes.

One of the points I have made is about our dependence on foreign oil. We import 55 percent of that which we consume. Fifty-five percent comes from off of our shores. That is expected to go to 66, 68 percent by the year 2025.

Nearly all of our cars and trucks in the United States run on gasoline. They are the main reason America imports so much oil. Two-thirds of the 20 million barrels of oil that we use each day is used for transportation, and it is the fastest growing part of our energy consumption.

I have mentioned many times on the floor—and I will not bore you with the

whole story—that my first car, when I was a young teenager, was a 1924 Model T Ford that I restored. It took me a couple years to restore this old Model T. When I did, I finally sold it. But the fact is, you put gasoline in a 1924 Model T Ford the same way you put it in a 2003 Ford. Nothing has changed. You pull up to the pumps, and you just pump gas in the tank. That is the way it is; that is the way it has been; it is the way it is going to be, unless we change.

So can we, after three-quarters of a century, or a century, decide to take a look at what is consumed in transportation, especially for our vehicle fleet, and decide that we do not have to run gasoline through our carburetors in order to propel our vehicles? Can we do that? I hope the answer is yes.

Someone who trains elephants once told me a story about why elephants stand with a cuff on their leg that has a small chain attached to a little stake in the ground. I saw it first when a small circus came to our town. It was a really small circus because my town had a population of only 350, 400 people, so they only had 1 elephant.

But they put a cuff around the elephant's back leg, with a small chain attached to a little stake that was stuck in the ground, and the elephant never moved. I always wondered, how could they have an elephant stand there, when clearly that little stake in the ground was not going to hold the elephant, but the elephant never tried to pull it.

Well, that is because when they capture elephants in Thailand, what they do is put a cuff around the elephant's leg attached to a big chain, and they tie it to a banyan tree. And for a week, week and a half, 2 weeks, the elephant does nothing but pull and tug and, with all of his might, try to pull away from that banyan tree. But it is not to be. That elephant is chained to that banyan tree, and pretty soon the elephant stops because the elephant understands it cannot get loose. So it never again tries. They take the chain off the banyan tree and put a little stake in the ground, and the elephant never moves; it just stays there, understanding it cannot move from that stake.

That is kind of the way we are. We are kind of like the elephant and the banyan tree with respect to our dependence on foreign oil. We never think that what we can do is pole-vault over this to new technologies.

At the end of this debate, if what the Senate will have exhibited to the American people is that our debate is really only about two things—the Arctic National Wildlife Refuge and CAFE standards—shame on us, because that is the same old debate we have every 10, 15, and 25 years when we talk about energy. Are both of these issues important? Sure, they are. But it is more important to evaluate how, in 5, 10, 15, 25, and 50 years from now, our children and grandchildren will be driving vehicles that are not running gasoline through the carburetors.